

Document #5187

6/15/89

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: LINDA BOURQUE, ASSISTANT DIRECTOR
NEIGHBORHOOD PLANNING AND ZONING
BRIAN BYRNES, PLANNER

SUBJECT: MAP AMENDMENT APPLICATION NO. 284

EXECUTIVE
SUMMARY:

Staff recommends approval of this Map Amendment Application. On May 22, 1989, Mr. Anthony Grzesik, owner of the property located at 98 Boston Street, petitioned the Zoning Commission of the City of Boston to amend "Map 4 South Boston" and "Map 5 North Dorchester" of a series of maps entitled "Zoning Districts City of Boston" by changing from an I-2 District to an M-1 District, a certain section of land on Boston Street.

Mr. Anthony Grzesik, as owner of property at 98 Boston Street, has petitioned the Zoning Commission of the City of Boston to amend Map 4 South Boston" and "Map 5 North Dorchester," of the series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, as established under Chapter 665 of the Acts of 1956 as amended, as follows:

By changing from an I-2 district to an M-1 district the parcel of land bounded as follows:

easterly, by the centerline of Boston Street;

southerly, by the centerline of West Howell Street, which is the northerly boundary of an existing M-1 district;

westerly, by a line 200 feet west of the westerly sideline of Boston Street; and

northeasterly, by the centerline of a Massachusetts Bay Transportation Authority right of way, which is the southwesterly boundary of an existing M-1 district.

A copy of the petition is attached (Attachment A).

Boston Street extends from Edward Everett Square in North Dorchester to Andrew Square in South Boston.

In a May 5, 1989 letter (Attachment G) to the Zoning Commission, six Boston Street residents and one Rawson Street resident, fearing further neighborhood erosion due to commercial and industrial development, requested that a study be conducted to address such issues as zoning, land use and height. On June 8, 1989, a community meeting was conducted by the Triangle Civic Group where staff met with approximately fifty area residents, businessmen and property owners, including presidents of the South Boston Citizen's Association and the Andrew Square Civic Association. All indicated their support.

On June 12, 1989, staff met with all five property owners and one lessee. Two common concerns were expressed: One, the legal status of the existing properties if the proposal is adopted; and, two, the effect on resale values of the properties. Four of the five owners indicated no opposition to the proposed amendment while trustees of the Herman Banquer Trust and one of its lessees (the Fortress Building) expressed adamant opposition citing issues such as spot zoning, eminent domain and losses of revenue and resale value.

Map Amendment No. 284 proposes to change from an I-2 District to an M-I District a section of the westerly side of Boston Street extending approximately twelve hundred feet from West Howell Street to Ellery Street. The effects of such a proposal include land use with a lesser number of uses being allowed (see attachment C and D) as well as dimension requirements which include floor area ratio (from two to one), height (from none to two and one half stories and thirty-five feet), front yard (from none to twenty feet) and rear yard (from twelve feet to twenty feet).

Boston Street consists primarily of three-story residential dwellings. Exceptions include a small number of mixed commercial/residential dwellings (Mom and Pop store with two residential units) and a hotel, institutional uses including a social club, two parochial schools and a historical society, and manufacturing and industrial uses not limited to a storage facility, a car wash, an auto repair garage, a furniture refurbishing company and an industrial tool manufacturer.

The predominant height of buildings facing Boston Street is approximately thirty-five feet. Two exceptions include the one hundred and ten foot fortress building and the sixty-five foot Howard Johnson's Hotel. Both of these properties are located within the boundaries of the proposed Map Amendment.

The positive aspects of the granting of this petition for a map amendment are five fold.

One, Height. An M-1 District includes a height limit of thirty-five feet. This is consistent with the area excluding the Fortress Building and Howard Johnson Hotel. The eastern side of Boston Street is predominantly residential consisting of almost exclusively three-story dwellings. The western side of Boston Street, the side impacted by the proposed Map Amendment, also consists of a number of three-story dwellings and is mixed with some industrial and manufacturing uses. The predominant height of Boston Street is approximately thirty-five feet (35'). The Fortress Building and the Howard Johnson Hotel with their one hundred ten foot (110') and sixty-five foot (65')

heights respectively, are out of character with other neighborhood buildings and are the only ~~two~~ of seven uses that would result in non-conforming structures due to height if the map amendment is adopted (see Attachment H).

Two, **Uses.** None of the existing uses will be further impacted by this zoning change (5 are allowed uses, 2 are legal non-conforming uses). Additionally, ninety-two percent (92%) of uses allowed in an I District are allowed in an M District.

Three, **Floor Area Ratio.** All of Boston Street, but approximately four hundred and fifty feet (450') on the east side over the Southeast Expressway, will have a floor area ratio of one, thus minimizing the potential for increasing the density of this already dense neighborhood. The three family dwelling located at 123 Boston Street is the only use of the seven impacted uses that would become a non-conforming if the map amendment is adopted (see Attachment I). Manufacturing and industrial uses in the surrounding districts are already limited to a floor area ratio of one (see Plan of Land, attached).

Four, the granting of this petition will provide a consistent zoning district along the west side of Boston Street from Edward Everett Square to Ellery Street near Andrew Square (a B-1 Zoning District).

Five, the zoning change responds to neighborhood concerns regarding commercial and industrial encroachment and a request that specifically addresses zoning, land use and height.

The granting of this petition will impact ten (10) parcels of land with seven (7) separate ownerships. Attachment B indicates property address, land area, assessing department classification and ownership.

The proposed change in zoning districts will affect uses allowed as indicated in Section 8 of the code and dimensional requirements including floor area ratio, height, front yard and rear yard, as indicated in Table B of the code.

Attachment C indicates sixty uses allowed in an I District. Fifty-five of the same uses are also allowed in an M Zoning District, while four are conditional and one is forbidden.

Attachment D indicates twenty-three uses conditional in an I District. Twenty of the same uses are conditional in an M District while three are forbidden.

Five of the seven uses impacted by the proposed map amendment are allowed in I and M Zoning Districts; one is an existing non-conforming use, forbidden in I and M Districts; and, one is an existing non-conforming use, forbidden in an I District and conditional in an M District (see Attachment E).

Attachment F compares the dimensional requirements of I-2 and M-1 Districts. As indicated there, the proposed petition will change the floor area ratio from two as allowed in the I-2 District to one as allowed in the M-1 District. One (1) of the ten (10) parcels affected by the proposed map amendment will be impacted by this change.

Table B of the code indicates there is no height limit in an I-2 Zoning District. The M-1 Zoning District includes a two and one-half (2-1/2) story and thirty-five foot (35') height limit. Four structures will be impacted by the Proposed Map Amendments two and one-half story limit.

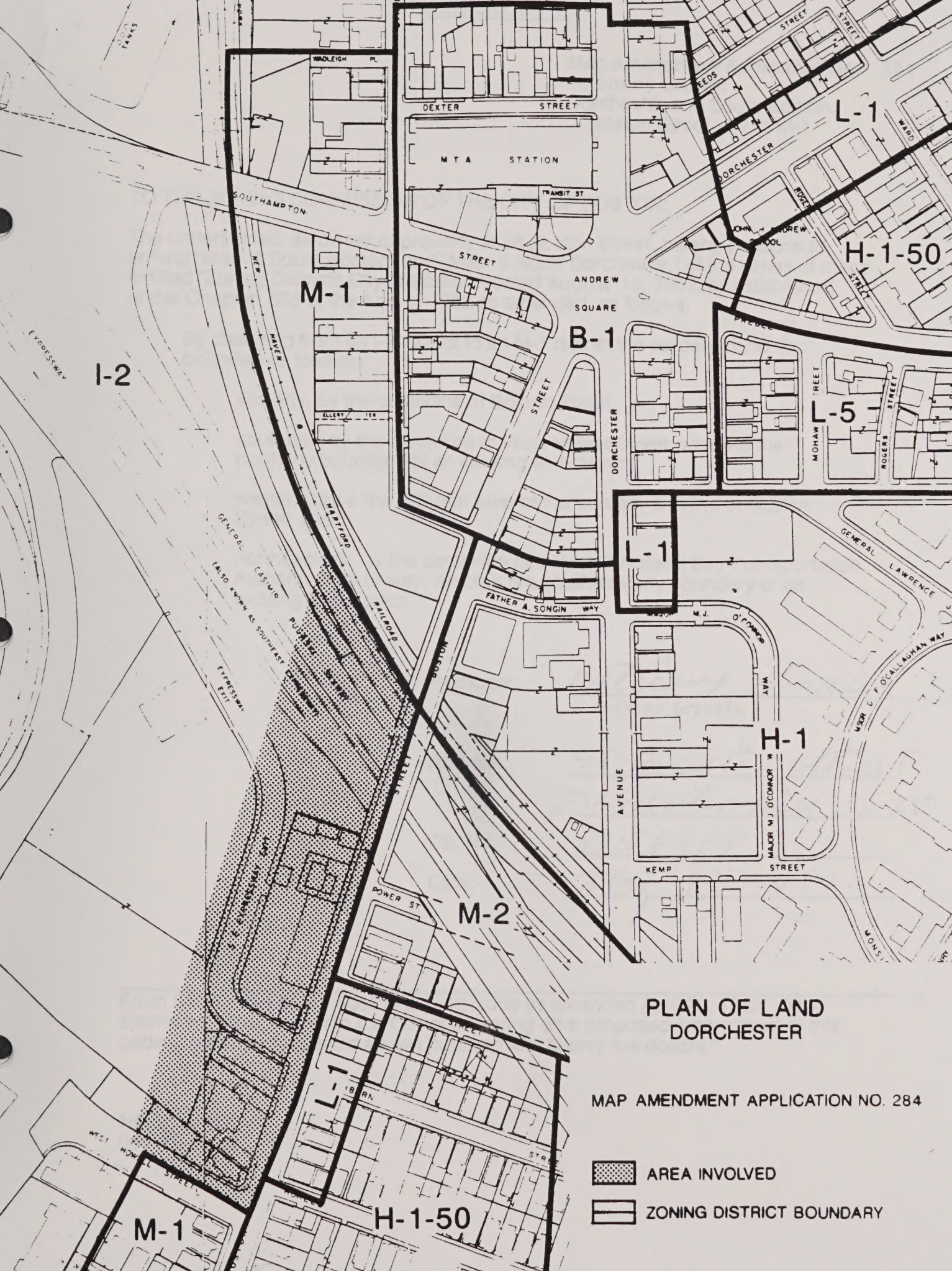
Also, Table B indicates no front yard requirement in an I-2 District and twenty feet (20') in an M-1 District.

Furthermore, Table B indicates a twelve foot (12') rear yard minimum requirement in an I-2 District and twenty feet (20') in an M-1 District.

BRA staff recommends approval.

An appropriate vote follows:

VOTED: That the Boston Redevelopment Authority recommends that the Zoning Commission for the City of Boston approve Map Amendment Application No. 284 by Anthony Grzesik, as owner of property located at 98 Boston Street. The proposed Map Amendment would achieve compatibility between the two sides of Boston Street in terms of floor area ratio and existing heights while minimally impacting uses allowed.



PLAN OF LAND
DORCHESTER

MAP AMENDMENT APPLICATION NO. 284

-  AREA INVOLVED
-  ZONING DISTRICT BOUNDARY

Map Amendment Application No. 284
Anthony Grzesik
Dorchester and South Boston:
Boston Street - I-2 to M-1

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The undersigned, as owner of property at 98 Boston Street, hereby petitions to amend "Map 4 South Boston" and "Map 5 North Dorchester," of the series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, as established under Chapter 665 of the Acts of 1956 as amended, as follows:

By changing from an I-2 district to an M-1 district the parcel of land bounded as follows:

easterly, by the centerline of Boston Street;

southerly, by the centerline of West Howell Street, which is the northerly boundary of an existing M-1 district;

westerly, by a line 200 feet west of the westerly sideline of Boston Street; and

northeasterly, by the centerline of a Massachusetts Bay Transportation Authority right of way, which is the southwesterly boundary of an existing M-1 district.

Petitioner:

Anthony Grzesik
Anthony Grzesik

Address:

98 Boston Street
Dorchester Mass. 02125

Tel. No.:

825 6818

Date:

May 22, 1987

From Section 5-4 of the Boston Zoning Code as amended April 22, 1985: "The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as two hundred and twenty five dollars."

ATTACHMENT B

BOSTON STREET STUDY AREA IMPACTED PROPERTIES

<u>Number</u>	<u>Street</u>	<u>Area</u>	<u>Class*</u>	<u>Owner</u>
69R	Boston	79,907	C	Mark Dorchester Corp. o/o Ira J. Dietsch 51 Saxon Rd. Westwood, MA 02090
83-105	Boston	37,865	CL	Herman Banquer TS o/o Ira J. Dietsch 51 Saxon Rd. Westwood, MA 02090
111	Boston	6,712	I	Dan J. Falvey 111 Boston St. Dorchester, MA 02125
115-121	Boston	5,326	I	Robert C. O'Donnell Trst 115 Boston St. Dorchester, MA 02125
123	Boston	2,453	R3	Helen I. Reber etal 123 Boston St. Dorchester, MA 02125
	Boston (Parcel #3436-1)	79,878	CL	Herman Banquer TS o/o Southeast Realty TS 51 Saxon Rd. Westwood, MA 02090
5	West Howell	6,325	I	Robert C. O'Donnell TS 5 West Howell St. Dorchester, MA 02125
	West Howell (Parcel #3440-1)	4,979	CL	Robert C. O'Donnell Trst 5 West Howell St. Dorchester, MA 02125
	West Howell (Parcel #3441)	6,177	CL	Boston Car Wash Realty Corp. 25R West Howell St. Dorchester, MA 02125
25	West Howell	13,263	C	Boston Car Wash Realty Corp. 25R West Howell St. Dorchester, MA 02125

* City of Boston Assessing Department

ATTACHMENT C

COMPARISON OF USES ALLOWED IN I (GENERAL INDUSTRIAL) AND M (RESTRICTED MANUFACTURING) ZONING DISTRICTS

- + Day care center, nursery school (17)
- + Library or museum (20)
- + Place of worship (21)
- + Extension of existing cemetery (26b)
- + * Mortuary chapel in cemetery (26c)
- + * Crematory in cemetery (26d)
- + Columbarium in cemetery (26e)
- + Public service substation, telephone exchange (31)
- + Telephone exchange other than automatic (32)
- + Fire or police station (33)
- + Retail Store (34)
- + Department or furniture store (35)
- + Indoor sales of autos and trucks (36)
- + Take-out or fast food (36A)
- + Restaurant, cafeteria (37)
- + Amusement game in club or dormitory (37A)
- + Club, theatre, place of entertainment (38)
- + Professional office (39)
- + Clinic (39A)
- + Real estate or insurance agency (40)
- + Office or bank (41)
- + Wholesale or distributing house (42)
- + * Barber or beauty shop (43)
- + * Dry cleaners, tailor (44)
- + Laundry or dry-cleaning plant (45)
- + * Caterer and similar service establishments (46)
- + Funeral home (47)
- + Radio or television studio (48)
- + Animal hospital or pound (49)
- + Drive-in bank or restaurant (50)
- + Outdoor sales of trucks or autos (51)
- + Drive-in theatre, stadium (52)
- + * Mobile home park (53)
- + Wholesale business including indoor accessory storage (54)
- + * Outdoor storage of building materials, machinery (55)
- + * Warehouse storage of bulk materials (56)
- + # * Wrecking yard (57A)
- + Parking lot (58)
- + Parking garage (59)
- + Gasoline service station, carwash (60)
- + Automotive parts sales (60A)
- + # * Auto or truck rental agency (61)
- + Bus terminal (62)
- + Railway station (63)
- + # * Motor freight terminal (64)

- # * Water freight or passenger terminal facility (65)
- + Manufacturing businesses (68)
- X Any non-hazardous industrial use (69)
- + * Accessory parking garage or spaces (72)
- + * Swimming pool, tennis court (72A)
- + Home office of professional (73)
- + Home occupation (74)
- + Storage of flammable gases incidental to lawful use (80)
- + Accessory manufacture or assembly of products (81)
- + * Repair garage incident to auto sales (82)
- + * Any other accessory use ordinarily incident to lawful main use (85)
- + * Amusement games in dormitories, fraternities, or sororities or in bar or tavern (86a,b,c)

- KEY**
- + Allowed in I (General Industrial) and M (Restricted Manufacturing)
 - # Allowed in I (General Industrial); Conditional in M (Restricted Manufacturing)
 - X Allowed in I (General Industrial); Forbidden in M (Restricted Manufacturing)
 - * Refer to Code for additional information

ATTACHMENT D

COMPARISON OF USES CONDITIONAL IN I (GENERAL INDUSTRIAL AND M (RESTRICTED MANUFACTURING) DISTRICTS

- + Group care, limited (7B)
- + Temporary dwelling (9)
- + College, university (16A)
- + Trade, professional or other school (18)
- + Machine shop accessory to school (19)
- + * Library or museum accessory to certain institutional uses (20A)
- + Hospital or nursing home with custodial services for addicts (23)
- + * Research labs accessory to certain institutional uses (24)
- + Penal or correctional institution (25)
- + Cemetery (26a)
- + Public park or playground (27)
- + Private sports grounds (28)
- + Adult education center (29)
- + Private club (30)
- # * Junk yard (57)
- + Helicopter land facility (66)
- # Airport (67)
- # Any objectionable or hazardous use (70)
- + * Any use ancillary and ordinarily incident to a lawful use (71)
- + * Keeping of animals (76)
- + Keeping of animals for educational or laboratory purposes (77)
- + Certain service uses in large residential buildings (78)
- + Dwelling necessary for operation of lawful main use (83)

- KEY + Conditional in I (General Industrial) and M (Restricted Manufacturing)
- # Conditional in I (General Industrial) District; forbidden in M (Restricted Manufacturing) District
- * Refer to Code for additional information

ATTACHMENT E

BOSTON STREET STUDY AREA IMPACTED USES

<u>Number</u>	<u>Street</u>	<u>Use</u>	<u>Comment</u>
69R	Boston	Hotel (15)	Existing non-conforming use; forbidden in M and I zoning districts
83-105	Boston	Storage (56)	Allowed in M and I zoning districts
111	Boston	Furniture refinishing (68)	Allowed in M and I zoning districts
115-121	Boston	Contractors and industrial tools, supplies and equipment wholesale and distribution (54)	Allowed in M and I zoning districts
123	Boston	3 family residential dwelling (7)	Existing non-conforming use; conditional use in M zoning district, forbidden use in I zoning district
	Boston (Par.#3436-1)	Surface parking lot for busses (58)	Allowed in M and I zoning districts
25	West Howell	Car wash (60)	Allowed in M and I zoning districts

ATTACHMENT F

COMPARISON OF DIMENSIONAL REGULATIONS IN I-2 (GENERAL INDUSTRIAL) AND M-1 (RESTRICTED MANUFACTURING) ZONING DISTRICTS

	<u>Type of Use</u>	<u>District</u>	
		<u>I-2</u>	<u>M-1</u>
Lot Size	Any Dwelling	*	*
	Other Use	None	None
Lot Area	Any Dwelling	*	*
	Other Use	None	None
Lot Width	Any Dwelling	*	*
	Other Use	None	None
Floor Area Ratio	Any Dwelling	2	1
	Other Use	2	1
Height	Any Dwelling	None	2 1/2 (35')
	Other Use	None	2 1/2 (35')
Open Space	Any Dwelling	*	*
	Other Use	None	None
Front Yard	Any Dwelling	*	*
	Other Use	None	20'
Side Yard	Any Dwelling	*	*
	Other Use	*	*
Rear Yard	Any Dwelling	*	*
	Other Use	12	20
Setback of Parapet	All Uses	$\frac{H+L}{6}$ ¹	$\frac{H+L}{6}$ ¹

* Refer to Section 13-4 and/or 19-5 of the Zoning Code for additional information.

May 5, 1989

City Of Boston
Zoning Commission
c/o Boston Redevelopment Authority
9th floor - Boston City Hall
Boston Mass. 02201

Dear Sirs,

As a concerned group of citizens some of us abutters, we are officially notifying you that we have a number of issues which need to be addressed by you.

Our neighborhood is being eroded by commercial and industrial development. There are projects (Fortress Corp. to mention one) which are being planned that clearly do not belong in a residential community such as ours. This community is one of three deckers, a working class neighborhood. We have two churches and three schools in close proximity of each other. Many of the residents have lived here for many years.

Therefore, we hereby petition the Zoning Commission of the City of Boston to conduct a study of the zoning, land use, and height restrictions currently in effect.

We cannot overemphasize both our concern and need to participate in development projects which affect our families and friends - our daily lives. Contact us as soon as you can regarding our request. The mailing address is Grzesik Family, 98 Boston Street, Dorchester, Mass. 02125

Stella La Fance
100 Boston St.
Dor. Ma 02125
Grzesik
98 Boston St.

Yours truly,

Winnie Grzesik

Daniel J Feluy
111 Boston St.

Stella Sean
102 Boston St.

Edna A Lombardi
88 Boston St.
Dor. Ma 02125
James J. Kunkle
37 RAISON St

ATTACHMENT H

IMPACTS IN CHANGE OF HEIGHT FROM NONE IN I-2 TO TWO AND ONE HALF STORIES/THIRTY-FIVE FEET IN M-1

<u>Number</u>	<u>Street</u>	<u>Use</u>	<u>Stories/Height</u>
69R	Boston	Hotel	Six stories/65'*
83-105	Boston	Storage	Eight stories/110'*
111	Boston	Furniture refinishing	Two stories/20'
115-121	Boston	Contractors and industrial tools, supplies and equipment	One and three stories 8' - 30'*
123	Boston	3 family residential dwelling	Three stories/35'*
25	West Howell	Car wash	One story/12'

- * Structure becomes a non-conforming structure in an M-1 district due to number of stories and/or height.

ATTACHMENT I

IMPACTS OF CHANGE IN FLOOR AREA RATIO FROM TWO TO ONE

<u>Number</u>	<u>Street</u>	<u>Use</u>	<u>Floor Area Ratio</u>
69R	Boston	Hotel	.60
83-105	Boston	Storage	.82
111	Boston	Furniture refinishing	.84
115-121	Boston	Contractors and industrial tools, supplies and equipment	.61
123	Boston	3 family residential dwelling	1.17*
25	West Howell	Car wash	.72

* Floor Area Ratio allowed in I-2 District; not allowed in an M-1 District.